

EXHIBIT M

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION
BEFORE: CHARLES A. LEGGE, JUDGE (Ret.)

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ORACLE CORPORATION, a Delaware)
corporation; ORACLE, USA, INC.,)
a Colorado corporation, and)
ORACLE INTERNATIONAL)
CORPORATION, a California) No. 07-CV-01658-MJJ
corporation,)

Plaintiffs,)

vs.)

SAP AG, a German corporation,
SAP AMERICA, INC., a Delaware
corporation, TOMORROWNOW, INC.,
a Texas corporation, and DOES
1-50, inclusive,

Defendants.

HEARING IN RE DISCOVERY ISSUES

Wednesday, February 13, 2008

At:

JAMS
2 Embarcadero Center, 14th Floor
San Francisco, California

Reported by:
GEORGE SCHUMER, CSR 3326

(406308)

PROCEEDINGS

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1 sometimes there's not. If there's not, the only way to go
2 back is to go back and look at the e-mail records of those
3 engineers, just to see if they have them. If you want to
4 go look at every master fix we have ever provided -- it
5 may take a second to open, but you go through and you see
6 every fix that was provided.

7 Every time that you click on a tab that hasn't
8 been clicked on before, it has got to build the databases
9 so it takes maybe a minute. But once you have done that,
10 it is now included.

11 The same structure is set up on the JD Edwards
12 World side; the JD Edwards 1 World side.

13 JUDGE LEGGE: Okay. I think that's enough. Go
14 back to the prior that showed the little -- the icons.

15 MR. FUCHS: I've got to wait until it builds a
16 database. It will take a minute or two, but it is
17 accurate.

18 JUDGE LEGGE: Let's go back to the icons you had
19 there.

20 MR. McDONELL: While we're waiting, to state the
21 obvious: This set of issues is not about whether we'll
22 produce the information. The information is produced. It
23 is a question of who has to analyze this.

24 JUDGE LEGGE: Access it, all right. I want to
25 see a little bit more here.

1 MR. COWAN: I can address that, Your Honor.

2 I think the answer is the exact point in time

3 where TomorrowNow used the customer credentials to access
4 the database won't be recorded anywhere, unless it is
5 noted in an e-mail for some reason. There wasn't a log
6 kept of every time TomorrowNow got on to the Oracle
7 database -- that we're aware of; that we have been able to
8 locate.

9 The activity around fixing a customer's problem
10 is reflected in the SAS database. If the customer is

11 still on maintenance with Oracle, that may or may not be
12 reflected in the SAS database. A lot of these customers,
13 by the time you get to this stage, are already off
14 maintenance, so there wouldn't be any access, or shouldn't
15 be any access back on to the Oracle web site.

16 It is during that on-boarding process where the
17 customer is coming on to TomorrowNow, and taking advantage
18 of TomorrowNow's services. Before they go off of
19 maintenance with Oracle, TomorrowNow would assist the
20 customer in doing the downloading.

21 That's where the activity with the Oracle web
22 site takes place, during that window when the customer
23 still has a relationship with Oracle.

24 JUDGE LEGGE: Is not the information from Oracle
25 initially downloaded on the system?

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1 MR. FUCHS: My machine has officially frozen.
2 Not a database issue; a computer issue.

3 MR. HOWARD: Our team back at the office might
4 disagree with that, Your Honor.

5 MR. FUCHS: Your two big IT people didn't have a
6 problem getting it up and running, I recall.

7 Those (indicating) are the fixes I was trying to
8 get built up a second ago. If you come back here
9 (indicating).

10 JUDGE LEGGE: So you've got that for -- I can't
11 read that. What was that one?

12 MR. FUCHS: SAS clients is the on-boarding
13 process; SAS Enterprise is another name for PeopleSoft.
14 SAS 1 World --

15 JUDGE LEGGE: The same type of information you
16 showed me.

17 MR. FUCHS: SAS World for a different product
18 line within JD Edwards. SAS Router is the actual call
19 router that comes in. A call comes in to TomorrowNow.

20 JUDGE LEGGE: A message router?

21 MR. FUCHS: Yes.

22 JUDGE LEGGE: Now let's assume that sometime in
23 our relevant time period here, that on behalf of a
24 PeopleSoft client or PeopleSoft seller, you access the
25 Oracle database. Or is that going to appear --

1 MR. COWAN: It is.

2 MR. FUCHS: That's what you saw right there with
3 Mr. Cowan. It is all put on one server.

4 JUDGE LEGGE: Show me that again.

5 MR. COWAN: If you look here (indicating), Your
6 Honor, this is a slice of -- there is a server called "DC
7 IT-BU01." The parties have referred to it as "the BU01
8 server." It is a 6-plus terabyte server, that serves as
9 the file server where the downloaded artifacts are
10 ultimately placed. And as Mr. Howard has learned, and
11 through his 30(b)(6) testimony, there were a number of
12 computers that were used to download the downloads in the
13 first place, and they were called "download servers."

14 But where these files were intended to live
15 ultimately, or where they currently live, is on this BU01
16 server. And we have started a serial rolling production
17 of this, and obviously the copying of large quantities of
18 data takes time.

19 This (indicating) is a 500-gig hard drive that
20 has a slice of it, and this represents here for the JDE
21 delivered updates and fixes -- you see the customers
22 here -- Merck, Metro Machine, Osay, SPX. Those are all
23 the customers that are highlighted in Oracle's first
24 amended complaint that are on this particular hard drive.
25 Then it was divided, for example, for Merck into 1 World

13 (Pages 46 to 49)